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THE RURAL SCHOOL LAW

WITH INTERPRETATIVE NOTES AND
EXPLANATIONS OF THE LAW

W. F. DOUGHTY
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

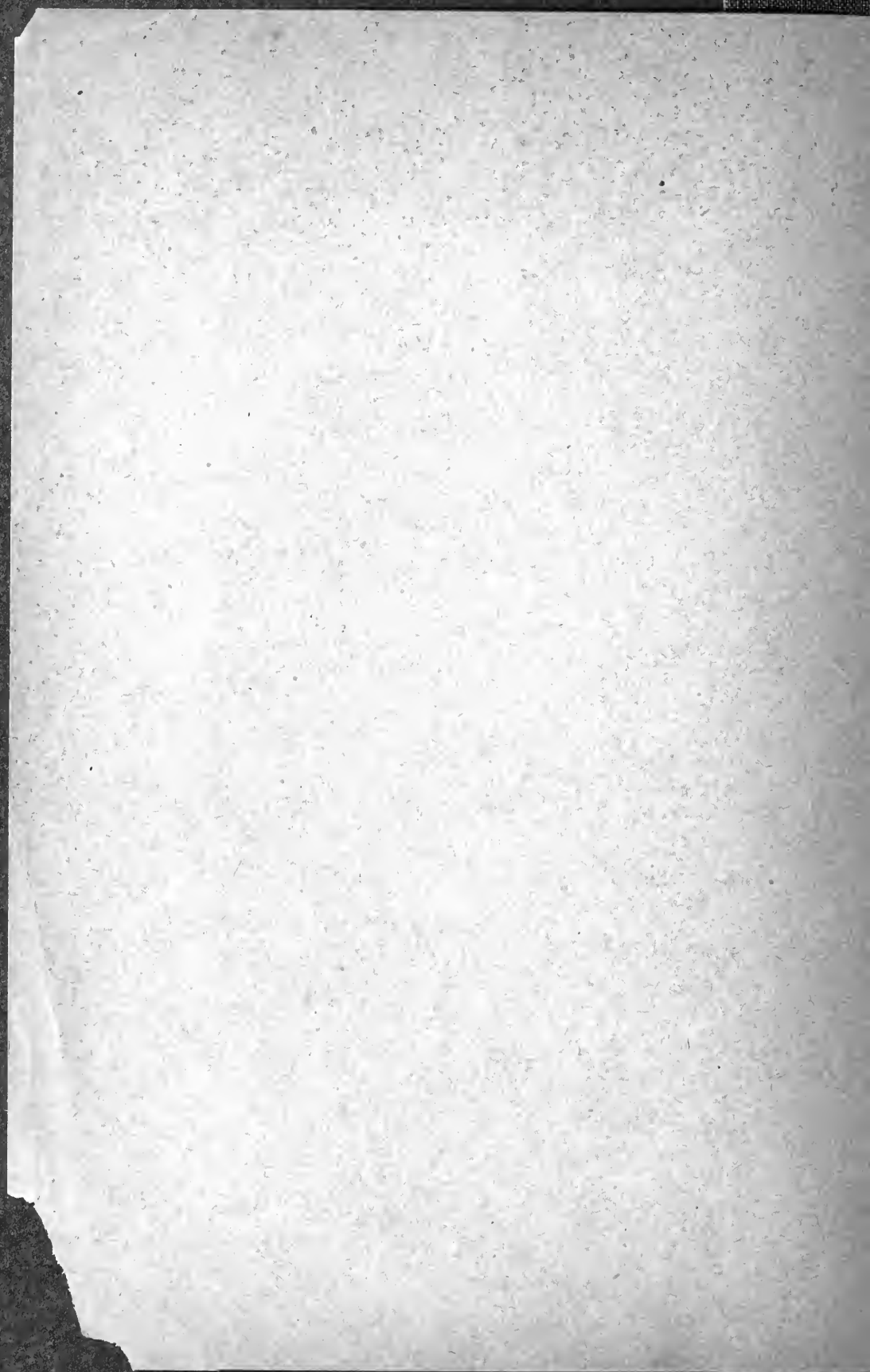


ISSUED BY
THE DEPARTMENT OF EDUCATION
STATE OF TEXAS

Bulletin 45

Austin, August, 1915

Monograph



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THE RURAL SCHOOL LAW

Acts of the 34th Leg., Chap. 36

1. *Organization.*—The general management and control of the public free schools in each county of the State shall be vested in five county school trustees elected from the county, one of whom shall be elected from the county at large by the qualified voters of the common school districts of the county, and one from each commissioner's precinct by the qualified voters of each commissioner's precinct, who shall hold office for a term of two years, or until their successors are elected or appointed and qualified. (Acts 34th Leg., Ch. 36, Sec. 2.)

This section of the law is interpreted to mean that five county school trustees are to be elected in each county by the qualified voters of the common school districts of the county, one of whom will be elected from the county at large by the qualified voters of the common school districts of the county and four of whom will be elected separately by the voters of each commissioner's precinct. In other words, the voters in common school districts will elect one trustee at large for the county and each commissioner's precinct will elect one trustee separate and apart from other precincts. Only qualified voters of common school districts of the county are permitted to participate in the election of county school trustees. A county school trustee may reside in either a common school district or an independent school district.

2. *Time and Place of Election.*—The *time* for the election of county school trustees shall be the same as that for the election of trustees of the common school districts, the first Saturday in April of each year; the order for the election of county school trustees to be made by the county judge at least thirty days prior to the date of said election, and there shall be one voting place designated by the order for each common school district. The election officers appointed to hold the election for trustees in each common school district shall hold the election at the *same place* therein for the county school trustees. The county school trustees now in office shall continue in office for the terms for which they were chosen and qualified. (Acts 34th Leg., Ch. 36, Sec. 2.)

Thirty days prior to the date of election, the first Saturday in April of each year, the county judge will issue an election order designating that the election for county school trustees shall be held at the same time, at the same place, and by the election officers appointed by the district school boards to hold the elections for trustees in common school districts, as provided in Section 1, Chapter 132, Acts of the Thirty-fourth Legislature.

3. *First Election.*—The first election under this act shall be held on the first Saturday in April, 1916, at which time there shall be elected two county school trustees for a term of two years, and the second election under this Act shall be held on the first Saturday in April, 1917, at which time there shall be elected in each county three county school trustees; and each year thereafter there shall be elected alternately two county school trustees and three county school trustees in each county. (Acts 34th Leg., Ch. 36, Sec. 2.)

The county school trustees now in office will continue to serve in that

capacity for the remainder of the terms for which they may have been chosen and qualified. The first election under this Act will be held on the first Saturday in April, 1916, at which time there shall be elected two county school trustees for a term of two years.

4. *If There be No County School Trustees.*—If there be any county in Texas at the time of the taking effect of this Act which has no county school trustees as provided for in Chapter 26, Acts of the Thirty-second Legislature, Regular Session, the county commissioners court thereof shall appoint five county school trustees, two to serve until the election and qualification of their successors in 1916 and three to serve until the election and qualification of their successors in 1917; and the qualified electors of the common school districts of each county shall annually thereafter elect county school trustees as are required under the provisions of this Act. (Acts 34th Leg., Ch. 36, Sec. 2.)

In any county where there is no board of county school trustees at the time when this law goes into effect, the commissioners court will appoint five county school trustees as provided for in this section, two of whom will serve until the election and qualification of their successors in 1916 and three of whom will serve until the election and qualification of their successors in 1917. The five trustees thus appointed should decide among themselves, by lot, which two will serve for the short term and which three will serve for the long term.

No active county superintendent can well afford to ignore the advantages of having an efficient board of county school trustees to co-operate with him in promoting the educational interests of the county, and for this reason the county superintendent should direct the attention of the court to this section of the law and urge a prompt compliance with the provision.

5. *Form of Ballot.*—The State Superintendent of Public Instruction is hereby directed and required to prepare a proper form of the ballot to be used in the election of county school trustees, and such other explanation of the laws as, in his judgment, may be necessary, and transmit the same to the county judge of each county at least sixty days prior to the date of the election of county school trustees.

The State Superintendent of Public Instruction submits herewith proper form of ballot, and the explanations of the law herein offered are, in his judgment, sufficient. Inquiries concerning the law will have careful attention.

(Copy)

OFFICIAL BALLOT

FOR COUNTY SCHOOL TRUSTEES

FALLS COUNTY, TEXAS

April 1, 1916

FOR TRUSTEES AT LARGE

Vote for one only

1. (Name of candidate)
2. (Name of candidate)
3.

FOR TRUSTEE PRECINCT 3

Vote for one only

1. (Name of candidate)
2. (Name of candidate)
3.

Repeat the Precinct Form as number and occasion may require.

The following form with blank and space may well be provided at the bottom of the official ballot for convenience in voting for district trustees:

FOR TRUSTEES COMMON SCHOOL DISTRICT

Number, County

Vote for — only

1.
2.
3.

In accordance with the Terrell Election Law, the county judge, the county clerk, and the sheriff of each county constitute an election board for the county. (Art. 2983, R. S. 1911.) Any time within the sixty days immediately preceding the first Saturday in April of each year, the county judge as chairman of the county election board should receive from interested citizens nominations for the office of county school trustee. (Art. 3168, R. S. 1911.) One week prior to the election of county school trustees the county election board will canvass the nominations and prepare ballots in accordance with the form of ballot prescribed by the State Superintendent of Public Instruction in Section 5.

6. *County Board to Classify Schools.*—It shall be the duty of the county school trustees to classify the schools of the county in accordance with such regulations as may be prescribed by the State Superintendent of Public Instruction into elementary schools and high schools for the purpose of promoting the efficiency of the elementary schools and of establishing and promoting high schools at convenient and suit-

able places. In classifying the schools and in establishing high schools the county school trustees shall confer and advise with the county superintendent of public instruction and the school trustees of each district at interest, and shall give due regard to schools already located, to the distribution of population, and to the advancement in their studies. (Acts 34th Leg., Ch. 36, Sec. 3.)

The authority of the board of county school trustees to classify the schools of the county under the provisions of this section should not be confused with the requirements made of the State Superintendent of Public Instruction to classify the public high schools of the State under the provisions of Sections 17 to 21, inclusive, of this Act. The county school trustees, together with the county superintendent, should study the conditions and needs of each school closely and then classify the schools of the county as elementary and high schools, designating in each case the number of grades which shall be taught in each school. The board may classify a school as an elementary school offering any number of grades, or years, of work up to and including the seventh grade, or year. In considering a high school, the county board may classify the school as an elementary-high school offering work in all grades of the elementary school and, in addition thereto, one, two, three, or four years of high school work, as will serve the best interests of the community in which the school is located.

In preparation for the classification of the schools of the county, the county board of education should, in advance of the meeting at which classification is considered, direct the county superintendent to prepare an abstract of conditions affecting each school to be classified. Among other things the abstract for each school should show:

1. Number of pupils enrolled or apportioned to the school.
2. Average daily attendance for the preceding year.
3. Number of pupils enrolled by grades the preceding year.
4. Length of school term.
5. The location of high school pupils in the district with reference to the school house and with especial reference to adjacent or convenient high schools.
6. Number of teachers employed.
7. Grade of certificate held by teacher or teachers and number of years experience. (In this connection it should be borne in mind that a teacher holding only a second grade certificate or permanent primary certificate may not contract to teach work above the seventh grade in either a graded or ungraded school.) (Section 110a, Chap. 96, Acts of the Thirty-second Legislature.)
8. Salary per month paid each teacher.
9. The course of study. The subjects of instruction should be considered carefully by the board in deciding the classification of any school. For example, a school maintaining two years of high school instruction would accomplish more for its students by offering an enriched course of study well adapted to community needs and properly administered by efficient teachers than by offering four years of high school work with a poorly organized course of study administered by over-worked and incompetent teachers operating under unfavorable conditions.
10. Value of school building.
11. Size of school rooms or amount of floor space per pupil.
12. Description of heating, lighting, and ventilating facilities.
13. Description of apparatus for teaching vocational work, such as agriculture, domestic science, and manual training.
14. Description of general school apparatus, such as libraries, globes, maps, charts, pictures, and blackboards.
15. Size and description of the school grounds.
16. Description of the water supply.
17. Local taxes levied and collected, if any.
18. Total amount of money available for maintenance purposes.
19. Improvements on school buildings contemplated during the year.
20. Purchase of additional equipment contemplated during the year.
21. Condition of the roads in the school community.

22. General attitude of the citizens of the district toward good public schools.

After the joint meeting of district and county trustees has been held as provided for in Section 10 of this Act, and the board of county school trustees has made a special study of the conditions involved in the classification of each school in the light of the county superintendent's abstract, the board should proceed to classify each school in accordance with the best interests of the schools and the individual needs of the pupils and in compliance with law and the regulations of the State Superintendent of Public Instruction.

7. *Shall Not Deprive Any Child Its Right to Attend School.*—The county trustees shall not so classify any school as to deprive any child of scholastic age of its right to receive instruction in the grades to which it belongs in the public school of the district in which it resides, unless arrangements are made by the county school trustees for the said child to attend a school of proper classification free of charge in another district which is within reasonable walking distance of the home of said child; that is, a school of proper classification which is not more than three miles from the home of said child; the distance to be computed according to the route or road commonly traveled in going from the home of said child to the school building, or unless the county school trustees shall arrange for the free transportation daily of said child to and from the school of proper classification, in which case the expense of such transportation shall be paid for by the district trustees out of the funds of the district in which the child actually resides; and it is hereby made the duty of the county superintendent of public instruction and of the county school trustees to see that every child of scholastic age is properly provided for as herein required, and the State Superintendent of Public Instruction is hereby directed and required to transmit definite and specific instructions to the county superintendent of public instruction, the county school trustees and the district school trustees with respect to the proper observance and administration of this law, to the end that no child shall be deprived of its right to attend school. (Acts 34th Leg., Ch. 36, Sec. 3.)

This section of the law makes it obligatory upon the board of county school trustees to provide adequate school facilities for every child of scholastic age residing in the county. It should here be observed that the term *scholastic age* as used in the law means the State apportionment age. A child of scholastic age during the school year 1915-16 is, therefore, any person residing in this State who will be over seven and under seventeen years old on the first day of September, 1915; and, on account of the law passed by the Thirty-fourth Legislature extending the scholastic age one year, a child of scholastic age for the school year 1916-17 and thereafter will be any person under seven and not over eighteen on the first day of September of any school year.

Therefore, in classifying schools the county school trustees will not so classify any school as to deprive any child who was over seven and under seventeen years of age on the first day of September, 1915, or, on account of the extension of the scholastic age limit, under eighteen on the first day of September, 1916, of its right to receive instruction in the grades to which it belongs in the public schools of the district in which it resides, except arrangements be made by the county school trustees for such child to attend a school of proper classification, free of charge, in another school of proper classification, which is not more than three miles from the home of said child, unless the county school trustees arrange for the free transportation daily of said child to and from a school of proper classification to which transfer has been made.

The General Law provides that the trustees of any district shall admit

to the benefits of the public school any person who is over seven and not over twenty-one years of age at the beginning of the scholastic year. This section of the law does not change in any way the manner of taking the scholastic census, and the State apportionment for the year 1915-16 will be made upon the basis of the enumeration of children seven to sixteen years of age, inclusive.

The law merely admits any child over scholastic age and under twenty-one years old at the beginning of the scholastic year to the benefits of the public school of the district of its residence; and nowhere in the law is there any provision made for the transfer of children over scholastic age and under twenty-one years old. Since the law provides only for the transfer of children of scholastic age, seven to sixteen years, inclusive, for the year 1915-16 and seven to seventeen, inclusive, thereafter, it is necessary, therefore, to distinguish between the *scholastic age limits*, which are over seven and under seventeen, and the *free school ages*, which are over seven and under twenty-one years.

In arranging for the transfer of children within scholastic age at public expense, the trustees should consider carefully the cost and the effect it will have upon the school from which the transfer is made. The transfer privilege as herein provided is designed for two purposes mainly: In the first place, the transfer is intended primarily to relieve the local situation by making it possible for the teacher to give more attention to the instruction of children within certain grades. In the second place, the transfer is for the purpose of giving the advanced pupil better school facilities than he could possibly receive should he attend the school of the district in which he resides. The county school trustee should, therefore, safeguard the interests of the rural school by considering well the effect any transfer will have upon the conditions of the school of the district.

8. *Shall Prescribe Course of Study.*—The county school trustees shall, in co-operation with the county superintendent of public instruction, prescribe a course of study for the public schools of the county conforming to the law and the requirements of the State Superintendent of Public Instruction. (Acts 34th Leg., Ch. 36, Sec. 3.)

This section provides that the county school trustees shall prescribe a course of study for the public schools of the county, and it states specifically that the course of study adopted shall conform to the law and the requirements of the State Superintendent of Public Instruction. It is, therefore, recommended that the county school trustees adopt the State Course of Study as prescribed by the State Superintendent of Public Instruction with such modifications only as will adapt it to the needs and requirements of the school of the county.

Great difficulty will, of course, be experienced in standardizing instruction in the rural schools. Short terms of school, ranging from two months to nine months, and inexperienced teachers, working in some instances under very unfavorable conditions, present a very perplexing problem, which has not yet been satisfactorily solved by anyone. In adjusting the State Course of Study to the needs of the rural schools, it is desirable to approach the matter very much as a student. A great opportunity is here opened to any progressive county superintendent, together with his board of county school trustees, to render an invaluable service to the schools of his county.

On account of the handicap herein mentioned, it is desirable to advance children of the rural schools as rapidly as their attainments will permit. Accordingly, in a six-months school, for example, a class entering the fourth, or any other grade, should proceed as far toward the completion of the work of the grade as circumstances will permit. At the close of school the teacher should make a careful note in her register of the work completed and the place where the work of the class should begin next year. Should the class of such school proceed with its work normally, it would, as a matter of fact, complete the work of the fourth grade at the end of the third month of the succeeding school year. According to this plan, it is possible for children to proceed as systematically in the rural schools, with various lengths of term, as they do in the towns and cities, with uniform sessions of nine months, the only

difference being that the children of the rural schools are completing their grades and receiving their promotions at various times during the session instead of at the close of the year as in schools with sessions of nine months.

9. *Authorized to Subdivide the County.*—The county school trustees are authorized to exercise the authority heretofore vested in the county commissioners court with respect to subdividing the county into school districts, and to making changes in school district lines. (Acts 34th Leg., Ch. 36, Sec. 4.)

The county school trustees are herein authorized to exercise the authority heretofore vested in the county commissioners court with respect to subdividing the county into school districts and to making changes in school district lines. It is, therefore, made the duty of the county school trustees to study conditions as they exist throughout the county with a view to subdividing the county into suitable school districts, if such has not already been done prior to the enactment of this law.

When any change whatever is made in the boundary lines of two or more districts, the board of county school trustees should, at the same time, re-establish the metes and bounds of all districts affected by such change, in order that the record of all districts affected may be complete in themselves. This is imperative in case any district affected should desire to issue bonds in the future.

In construing the authority vested in the county school trustees by this section, it is necessary to take into consideration the content of Section 10 of this Act.

10. *Shall Call Annual Meeting of District Trustees.*—The county school trustees shall call an annual meeting of the district school trustees of the county, to be held at the county seat at some convenient season in August or September of each year, at which meeting shall be considered by the said county school trustees and the district school trustees in joint meeting, presided over by the chairman of the county school trustees, questions dealing with the location of high schools and the teaching of high school subjects, the classification of schools and such other matters as may pertain to the location, conduct, maintenance and discipline of schools, the terms thereof, and other matters of interest in school affairs of the county, and the county school trustees shall be guided in their action by the result of the deliberation of such meeting, not inconsistent with law. The county school trustees may also call other meetings of the district school trustees, when deemed necessary by them, or on the petition of a majority of such district school trustees. (Acts 34th Leg., Ch. 36, Sec. 4.)

On or about the first Monday in August, preferably the first Monday in August, the date fixed by law for a regular meeting of the county school trustees of each county, there should be held at the county seat of each county in the State an annual meeting of the district school trustees of each county. Notice of such meeting should be given wide publicity by the county superintendent in all the papers of the county for at least thirty days prior to the date set for the annual meeting of the district trustees of the county, and special invitations signed by the county board of trustees and the county superintendent should be mailed to every district trustee in the county at least ten days before the date of said meeting, urging attendance.

The meeting of the county school trustees should be extended through Tuesday and longer if necessary that the board may have ample time in which to consider thoroughly all matters properly coming before the session. The meeting on Monday, which should be attended by every district school

trustee in the county, will be presided over by the chairman of the county school trustees. The county superintendent, together with the county school trustees, should submit a carefully planned program arranged on a purely business basis bearing directly upon questions dealing with the subdividing of the county into school districts, the making of desirable changes in school district lines, the location of rural high schools, the classification of schools, the course of study, the teaching of school subjects, the conduct, maintenance, and discipline of schools, the best means of extending the terms thereof, and such other matters of interest as may be properly brought before the meeting. The meeting should be devoted strictly to the handling of business and professional matters relating to the improvement of the schools of the county. The county superintendent may easily kill the good effects to be derived from the annual meeting of county and district trustees by filling up his program with outside speakers. The secret of the success of each meeting will depend entirely upon the ability displayed by the chairman of the meeting in getting a systematic discussion of the vital problems affecting the school interests of the county. Every school trustee desiring to speak should be given opportunity to be heard, and a good part of the program should be devoted to round-table discussions.

When the meeting of the district trustees has been adjourned, the county school trustees should proceed with their deliberations, giving due attention to all requests, petitions, and recommendations made by the district trustees, until all the business of the board has been properly transacted.

11. *May Consolidate Districts.*—The county school trustees shall have authority to consolidate two or more common school districts into a larger common school district where a majority of the qualified electors of each common school district at interest shall petition the county school trustees for consolidation in order that a high school may be established for the children of high school advancement in the common school districts so consolidated. (Acts 34th Leg., Ch. 36, Sec. 4.)

When it is desired to consolidate two or more common school districts into a larger common school district for the purpose of establishing a high school for the children of high school advancement in the districts at interest, a petition setting forth such purpose should be circulated among the qualified electors of each district by some interested person. If a majority of the qualified electors of each common school district at interest shall sign the petition to the county school trustees asking that a consolidation be effected for high school purposes, then it shall be the duty of the county school trustees to consolidate said common school districts under a new name and number, and proper record should be made in the minutes of the board by the county superintendent, a copy of which shall be transmitted by him to the county clerk as provided in Section 12 of this Act.

Under the law, the cost of making surveys and plats of new districts created by the board of county school trustees or changes in boundary lines affected by the board must be paid by the county commissioners court out of the general county fund. The Attorney General's Department is in complete accord with this interpretation of the State Superintendent of Public Instruction.

12. *County Superintendent Shall Keep Accurate Record.*—The County Superintendent, as secretary of the county school trustees, shall keep an accurate and complete record in a well-bound book provided for that purpose, the field notes of all changes made in school district lines, and of all proceedings of the county school trustees, including the consolidation of school districts. (Acts 34th Leg., Ch. 34, Sec. 4.)

The county superintendent is constituted by law the secretary to the county school trustees, and it is made obligatory upon him to keep in a well bound book provided for that purpose an accurate and complete record of all the pro-

ceedings of the county school trustees, including all orders of said board, the consolidation of school districts, and field notes of all changes made in school district lines. Immediately following the adjournment of the board the records should be carefully and legibly written into the permanent record from notes kept by the county superintendent. The minutes of each meeting should be started at the top of a page, showing clearly the date and place of such meeting and names of the members of the board present, followed by a detailed account of the business transactions of the board.

The county superintendent, in certifying the orders of the county board of trustees to the county clerk for record, should make an accurate transcript of all of the orders of said county board of trustees effecting the creation and consolidation of school districts as well as all orders effecting a change in the boundary lines of school districts, and not merely excerpts from the minutes. We suggest that his certificate be in the following form, in substance:

State of Texas
County of.....

I,, County Superintendent of Public Instruction ofCounty, do hereby certify that the above and foregoing pages is a true and correct copy of all of the minutes of the county board of trustees of County had at its meeting of date.....

County Superintendent of Public Instruction and ex officio secretary County Board of Trustees,County.

(Seal)

When a certified copy of the minutes of the proceedings of the county board of trustees referred to in the paragraph last above have been received by the county clerk, it will be his duty to record them, including the superintendent's certificate, in the book designated "Record of School Districts" in his office.

13. *Record of School Districts.*—A certified copy of such change in a school district line and also of the record in effecting the consolidation of school districts shall be made and transmitted by the County Superintendent to the county clerk, and it shall be the duty of the county clerk to record the field notes and certified copy of such change in a well-bound book to be designated as the "Record of School Districts." (Acts 34th Leg., Ch. 36, Sec. 4.)

The law requires that the county clerk be provided with a well bound book, to be designated as "Record of School Districts," and it is made the duty of the county clerk to record in said record the field notes and changes in school district lines and also the record in effecting the consolidation of school districts as may be transmitted to him by the county superintendent. The county clerk is not authorized to make record of any transaction from the minutes and records of the county school trustees except they be properly certified to by the county superintendent.

14. *State Superintendent to Transmit Instructions and Prescribe Forms.*—It is hereby made the duty of the State Superintendent of Public Instruction to prepare and transmit all necessary instructions and forms for use of the county school trustees and the people of common school districts in effecting the consolidation of school districts for high school purposes. (Acts 34th Leg., Ch. 36, Sec. 4.)

The interpretations and explanations of the Rural School Law published herein are intended to meet the requirements of this section of the law. The following is a proper form of petition for consolidation of common school districts:

FORM OF PETITION

The Honorable Board of County School Trustees,County.

Dear Sirs: Under the provisions of the Rural School Law, Chapter 36, Acts of the Thirty-fourth Legislature, your Honorable body is hereby petitioned by the undersigned, constituting a majority of the qualified electors of..... Common School District, Number, inCounty, to consolidate said district with.....Common School District, Number, inCounty, in order that a high school may be established for the children of high school advancement in the common school districts so consolidated. We believe that such consolidation will promote the school interests of the consolidated district and make it possible to offer better educational advantages to our children; the new consolidated district to be known asConsolidated Common School District Number ofCounty, Texas, with metes and bounds as follows, to wit:

(The metes and bounds of the district should be described accurately, and where original survey lines and natural objects, such as creeks and streams, are not followed, the lines should be surveyed and course and distance given, as required by Article 2817, Revised Statutes, 1911.)

Signed by petitioners,

.....
.....

In order that the county school trustees may know that the petition is signed by a majority of the qualified electors of the district, the following certificate should be subscribed and sworn to by three of the reputable citizens of the district:

CERTIFICATE

State of Texas,
County of.....

Before the undersigned authority on this day personally appeared....., and, who are resident qualified electors of Common School District No., who, after being by me duly sworn, say that they are resident qualified electors of Common School District No. of said County; that the signers to the foregoing petition attached hereto constitute a majority of the qualified electors resident in said district.

.....
.....
.....

Subscribed and sworn to by.....,
and this the day of19..

(Seal)

(Before any officer authorized to administer oaths.)

15. *Transfer of Children.*—In providing better schooling for the children and in carrying out the provisions of Section 2 of this Act the county superintendent of public instruction shall, on the recommendation of the county school trustees, transfer children of scholastic age from one school district to another, and the amount of funds to be transferred with each child of scholastic age shall be the amount to which the district from which the child is transferred is entitled to receive. (Acts 34th Leg., Ch. 36, Sec. 4.)

In Sections 6 and 7, the transfer of children under the provisions of this Act has been thoroughly discussed. The authority for the transfer of children under this section does not in any way repeal the law permitting the county superintendent to transfer children on petition prior to August 1 of each year. The county superintendent of public instruction, upon the recommendation of the

county school trustees may transfer any child of scholastic age, seven to sixteen years inclusive, provided such transfer will meet the conditions as specified in note under Sections 6 and 7 of this Act.

The amount of money to be transferred with each child of scholastic age is not clearly defined in this section of the law. It is apparent, however, that the law intends to limit the amount of money that can be legally transferred from one district to another. Therefore, in accordance with Section 25 of the School Law, it is held by the State Superintendent that the amount of money to be transferred with each child of scholastic age shall be the State and county apportionment to such child.

The school receiving the transfer will in every instance admit such scholastic to the benefits of the public school for such time at least as the State and county apportionment will maintain the school to which the child has been transferred. The trustees of a school having a surplus of funds over and above the amount necessary to maintain the school from which the child is transferred for a period not less than six months in each year may, with the approval of the county school trustees, as justice and equity in the case demand, make transfer of additional funds to pay the tuition of a scholastic in another school for a period of time not less than that during which the school is maintained in the district from which the child is transferred.

16. *Supervisory Control.*—The district court shall have general supervisory control of the actions of the county board of school trustees in creating, changing and modifying school districts. (Acts 34th Leg., Ch. 36, Sec. 4a.)

It is provided in this section that, should any differences arise in creating, changing, and modifying school districts, the action of the county board of school trustees is subject to the supervisory control of the district court.

17. *Classification of Public High Schools by State Department.*—In accordance with the provisions of this Act, the public high schools of the State shall, upon satisfactory evidence, be ranked by the State Department of Education as high schools of the first class, high schools of the second class, and high schools of the third class. (Acts 34th Leg., Ch. 36, Sec. 5.)

This section of the law does not in any way conflict with Section 6 of this Act. The State Department of Education is herein required to rank all public high schools of the State as high schools of the first class, high schools of the second class, and high schools of the third class. It is, therefore, obligatory, and, in accordance with the requirements of the act, proper application forms for classification by the State Department of Education are ready for distribution. It is the purpose of the State Department of Education to render helpful assistance in establishing and promoting public high schools. So important is this work that a special bulletin entitled "Texas High Schools" has been prepared and published for the purpose of helping school authorities desirous of meeting the standards of classification as prescribed in this section of the law. Those interested in establishing high schools or in securing classification should write the State Superintendent of Public Instruction for Bulletin 37 and for such other information and assistance as may be needed in building good high schools.

18. *High School of the First Class.*—A high school of the first class shall be a high school which maintains at least four years, or grades, of work above the seventh grade, or year, may include in its curriculum the first seven grades or years of work, shall employ at least two teachers to teach high school subjects, who shall each hold a State

first grade certificate or certificate of higher grade, and shall be maintained for not less than eight scholastic months during each school year. (Acts 34th Leg., Ch. 36, Sec. 5.)

A high school of the first class will maintain at least four years of high school work above the seventh grade, will employ three or more teachers to teach the high school subjects, who shall each hold a State first grade certificate or certificate of higher grade. Graduates of approved normal schools or of colleges and universities of the first class will be preferred. The school will maintain a definite curriculum of studies meeting the standards and requirements of the State course of study, be provided with adequate laboratory and library equipment, and be supported for a session of not less than eight scholastic months, and nine if possible, during each school year.

19. *High School of the Second Class.*—A high school of the second class shall be a high school which maintains at least three years, or grades, of work above the seventh grade, or year, may include in its curriculum the first seven years or grades of work, shall employ at least two teachers to teach high school subjects, who shall each hold a State first grade certificate or certificate of higher grade, and shall be maintained for not less than eight scholastic months during each school year. (Acts 34th Leg., Ch. 36, Sec. 5.)

A high school of the second class will maintain at least three years of high school work above the seventh grade, will employ two or more teachers to teach the high school subjects, who shall each hold a State first grade certificate or certificate of higher grade. Graduates of approved normal schools or of colleges and universities of the first class will be preferred. The school will maintain a definite curriculum of studies meeting the standards and requirements of the State course of study, be provided with adequate laboratory and library equipment, and be supported for a session of not less than eight scholastic months, and nine if possible, during each school year.

A high school of the second class should differ from a high school of the first class only in extent of its curriculum. The standards maintained and the quality of work done should be the same in every respect, so that pupils going from one school to another shall not experience any great losses in adjusting their studies.

20. *High School of the Third Class.*—A high school of the third class shall be a high school which maintains at least two years, or grades, of work above the seventh grade, or year, may include in its curriculum the first seven years or grades of work, shall employ at least one teacher to teach high school subjects, who shall hold a State first grade certificate or certificate of higher grade, and shall be maintained for not less than seven scholastic months during each school year. (Acts 34th Leg., Ch. 36, Sec. 5.)

A high school of the third class will maintain at least two years, or grades of high school work above the seventh grade, will employ one or more teachers to teach the high school subjects, who shall each hold a State first grade certificate or certificate of higher grade. Graduates of approved normal schools or of colleges and universities of the first class will be preferred. The school will maintain a definite curriculum of studies meeting the standards and requirements of the State course of study, be provided with adequate laboratory and library equipment, and be supported for a session of not less than seven scholastic months, and nine if possible, during each school year.

A high school of the third class should differ from a high school of the first or second class only in extent of its curriculum. There is no good reason why

the work of a school of the third class should not be as thorough in every detail as that done in a high school of the first class. For example, the standards of instruction maintained in the first year of a high school of the third class should be nothing short of first class. More credit will accrue to the community maintaining first class standards in a school of the third class than can possibly come to a school of the first class maintaining second class standards of instruction.

21. *Certificate of Approval.*—Each class of high schools herein defined shall be entitled to receive a certificate of approval or classification from the State Department of Education. High schools which fail to come up to the standard herein prescribed as to teachers, number of grades or years of work, and length of schools shall not be entitled to receive a certificate of approval or classification from the State Department of Education. (Acts 34th Leg., Ch. 36, Sec. 5.)

Any public high school in this State meeting the standards prescribed in Sections 18, 19 and 20 shall be entitled to receive a certificate of approval from the State Department of Education. Inasmuch as the law prescribes that all public high schools shall be classified by the State Department of Education, it will hereafter be necessary that every school attempting to do high school work make a report to the State Superintendent of Public Instruction as to course of study, teachers employed, number of years of work, and length of annual session, upon which the school will be assigned classification according to the provisions of this Act.

22. *Additional Subjects Prescribed.*—Besides the subjects prescribed by law to be taught in the public schools of Texas, such additional subjects as agriculture, manual training, domestic economy or other vocational branches shall be included in the course of study in all high schools provided for herein which are located outside of incorporated towns and cities, and special attention shall be given to teaching said subjects. (Acts 34th Leg., Ch. 36, Sec. 6.)

All public high schools provided for herein and located outside of incorporated towns and cities shall, in addition to the subjects prescribed by law, give special attention to such subjects as agriculture, manual training, domestic economy, or other vocational branches. This section is not interpreted to mean that it is obligatory upon school trustees in all public high schools outside of incorporated towns and villages to maintain special departments of agriculture, manual training, domestic economy, or other vocational branches, but it does require that they shall give one or more of these branches special attention, which is interpreted to mean that instruction shall be given in one or more of the subjects mentioned where conditions require it and circumstances will permit of it.

23. *School Year Defined.*—A grade or year of work as herein mentioned shall consist of not less than thirty-two weeks of five days each. (Acts 34th Leg., Ch. 36, Sec. 5.)

A standard school year consists of nine months, or thirty-six weeks of five days each. Although a school year of eight months is permissible under the law, it is not accepted by the State Department of Education as being satisfactory. In some instances conditions may warrant the recognition of a school year of eight months but the practice will not be general and each case will be handled upon its merits.

24. *County School Trustees Body Corporate.*—The county school trustees of each county shall constitute a body corporate by the name

of the county school trustees of.....County, State of Texas, and in that name may acquire and hold real and personal property, sue and be sued, and may receive bequests and donations or other moneys or funds coming legally into their hands, and may perform other acts for the promotion of education in the county. The title to any school property belonging to the county, the title of which has heretofore been vested in the county judge and his successors in office, or any school property that may be acquired, shall vest in the county school trustees and their successors in office for public free school purposes. (Acts 34th Leg., Ch. 36, Sec. 7.)

Under this section, the county school trustees are constituted a body corporate and as such may exercise the usual functions of a corporate body for the promotion of education in the county.

25. *County Superintendent the Secretary and Executive Officer of County School Trustees.*—The county school trustees shall designate the County Superintendent as their secretary and executive officer, and it shall be the duty of the County Superintendent to keep a true and correct record of all the proceedings of said county school trustees in a well-bound book, which shall be open to public inspection. (Acts 34th Leg., Ch. 36, Sec. 8.)

The county superintendent is herein designated as secretary and executive officer of the county school trustees. As secretary, he should keep in a well bound book true and correct record of all the proceedings of the said county school trustees and such book shall be open at all times to public inspection. It is the duty of the county superintendent to execute the will of the board of county school trustees as directed in the minutes of the trustees, and for this purpose he is vested with full authority by the law.

26. *Shall Apportion Available School Fund.*—Upon receiving notice from the State Superintendent of Public Instruction of the amount of State available school funds apportioned to the county, exclusive of all independent districts having each more than one hundred and fifty scholastics, it shall be the duty of the county school trustees, acting with the County Superintendent, to apportion all available State and county funds to the school districts as prescribed by law. (Acts 34th Leg., Ch. 36, Sec. 9.)

Upon receiving notice from the State Superintendent of Public Instruction of the amount of State available school funds apportioned to the county, exclusive of all independent districts having more than 150 scholastics, the county school trustees, acting with the county superintendent, shall apportion all available State and county school funds to the school districts as prescribed by law.

27. *Shall Hear Appeals.*—All appeals from the decisions of the county superintendent of public instruction shall lie to the county school trustees and from the said county trustees to the State Superintendent of Public Instruction, and thence to the State Board of Education. (Acts 34th Leg., Ch. 36, Sec. 10.)

In order to expedite matters in presenting appeals to the State Superintendent of Public Instruction, the following outline is respectfully submitted for the preparation of the transcript of the record in all appeal cases originating in

common school districts or in independent districts having fewer than 500 scholastics and presented to the State Superintendent of Public Instruction. In this connection it should be remembered that the line of appeal is prescribed by law. The transcript of the record must contain:

1. Certified copy of the decision of the local board of school trustees.
2. Certified copy of petition of appellant addressed to the county superintendent of public instruction.
3. Certified copy of the answer of appellee to petition of appellant addressed to the county superintendent of public instruction.
4. Certified copy of all evidence submitted by both sides to the case at bar before the county superintendent.
5. Certified copy of the decision of the county superintendent.
6. Certified copy of decision of the board of county school trustees. In this connection it should be remembered that the board of county school trustees has a right to reopen the entire case and to hear original evidence in case the board decides it is wise to do so; and if new evidence is offered before the county board of education, certified copy of all such evidence must be included in transcript of the record for the State Superintendent.
7. Such briefs or arguments in typewriting as either or both sides to the case at bar see fit to submit.
8. In case of the dismissal of a teacher as provided by law by the local board of trustees, the transcript of the record must contain:
 - (a) Certified copy of the dismissal of the teacher by the board of trustees.
 - (b) Certified copy of charges upon which the dismissal is based.

From Independent Districts

In preparation of transcript of the record of an appeal case originating in an independent school district having more than 500 scholastics the following outline of the preparation of the record is in accordance with the law and should be followed in all cases. The record in such cases should contain:

1. Certified copies in typewritten form of all original proceedings had before the local board of trustees including
 - (a) Certified copy of the charges or petition of the plaintiff.
 - (b) Certified copy of answer of defendant.
 - (c) Certified copy of all evidence presented by either or both sides to the case at bar.
 - (d) Certified copy of the decision of the local board of school trustees.
2. Such typewritten briefs or arguments as either or both sides to the case at bar see fit to submit to the State Superintendent of Public Instruction.
3. In case of the dismissal of a teacher as provided by law by the board of trustees, the record must contain:
 - (a) Certified copy of the dismissal given the teacher by the board of trustees.
 - (b) Certified copy of the charges upon which the dismissal is based.

After proper transcript of the record in an appeal case has arrived at the State Department of Education, the State Superintendent of Public Instruction will give the matter his immediate and careful attention.

28. Time of Meetings.—The county school trustees shall hold meetings once each quarter, on the first Monday in August, in November, in February and in May, or as soon thereafter as practicable, and at other times when called by the president of the county school trustees or at the instance of any two members of the county school trustees and the County Superintendent, the meeting place to be at the county seat and in the office of the county superintendent of public instruction. (Acts 34th Leg., Ch. 36, Sec. 11.)

The law prescribes that the county school trustees shall hold meetings once each quarter, at least, on the first Monday in August, November, February, and May, or as soon thereafter as practicable. It also provides that the county school trustees may meet at other times when called by the president of the

county school trustees or at the instance of any two members of the county school trustees and the county superintendent. The meeting shall be held at the county seat in the office of the county superintendent of public instruction.

The progressive county superintendent and the wide-awake county school trustees will derive great benefit from the meetings, to say nothing of what may be accomplished for the schools. Regular meetings should be held, and in no instance except for unusual cause should the date for regular meeting of the county school trustees be permitted to pass without meeting of the full membership of the board, regardless of the apparent need of such meeting. The county superintendent should encourage the county school trustees to make his office headquarters when at the county seat. Such cordial relations should exist between the county superintendent and the members of the board as would make the trustees feel at home in the office of the county superintendent of public instruction.

29. *Compensation.*—Each county school trustee shall be paid three (\$3.00) dollars per day for the time spent in attending meetings provided for in this section, such payments to be made from the general fund of the county by warrants drawn on order of the commissioners court after approval of the account, properly sworn to, by the president of the county school trustees; provided, that no county school trustee shall receive more than thirty-six dollars for any one year. (Acts 34th Leg., Ch. 36, Sec. 11.)

Each county school trustee will be paid \$3 per day for the time spent in attending the meetings provided for in this section, provided that no county school trustee may receive more than \$36 for any one year. Payments will be made from the general fund of the county by warrants drawn on order of the commissioners court after approval of the account properly sworn to by the president of the county school trustees. In some respects, \$3 per day is a small compensation and in other respects it may prove a poor expenditure. It would be impossible to measure the efficient service of a faithful county school trustee in dollars and cents. His greatest reward must necessarily be a feeling of consciousness that he has rendered helpful service in promoting the educational interests of the people of the county.

30. *County Superintendent Shall Keep Accurate Record of Terms of Office.*—The county superintendent of public instruction, as secretary of the county board of education, shall be required to keep an accurate record of the terms of office of the school trustees of each common school district and of the county school trustees, and shall furnish to the county judge at least sixty days prior to the date of the election of district and county school trustees the number of trustees to be elected in each common school district and the number of county school trustees to be elected from each commissioner's precinct or in the county at large, as the case may be. (Acts 34th Leg., Ch. 36, Sec. 12.)

The county superintendent is required to keep an accurate record of the terms of office of all district trustees of the common school districts of the county, and, likewise, he shall keep an accurate record of the terms of office of the county school trustees. At least sixty days prior to the date of election of district and county school trustees, the county superintendent shall furnish to the county judge the number of district trustees to be elected in each common school district of the county, the numbers of the commissioners precincts in which vacancies will occur on the board of county school trustees, and whether or not there will be a vacancy in the office of county school trustee at large. This information should be promptly transmitted to the county judge as herein prescribed by law, and the report should be published in at least one county

paper. Dilatory action on the part of the county superintendent in complying with this provision of the law is bound to impede the operation of the law and hinder the progress of the schools.

31. *Qualifications of Trustees.*—The county school trustees shall be qualified voters of the precinct or county from which they are elected, and four of them shall reside in different commissioner's precincts. They shall be of good moral character, able to read and speak the English language, shall be persons of good education, and shall be in sympathy with public free schools. (Acts 34th Leg., Ch. 36, Sec. 12.)

The election board as provided for in the Terrell Election Law and referred to in the note under Section 5 of this Act, should, through investigation or otherwise, before placing any name upon the official ballot satisfy itself that each nominee for the office of county school trustees is a qualified voter of the precinct or county from which he offers for election, that such nominee is of good moral character, able to read and speak the English language, is a person of good education, and in sympathy with public free schools. The people of the county will not be called upon to fill a more important office than that of county school trustee, and for this reason every precaution should be taken in selecting the persons who shall direct the educational interests of the children of the county.

32. *How Elected and Commissioned.*—The county school trustees shall be elected as prescribed in Section 2 of this Act, and the returns of the election for county school trustees shall be made to the county clerk within five days after such election shall have been held, to be delivered by him to the commissioners court at its first meeting thereafter to be canvassed and the results declared as in cases of other elections; and the county clerk, on behalf of the commissioners court, shall issue to the county school trustees their commissions and impress thereon the seal of the said court. (Acts 34th Leg., Ch. 36, Sec. 12.)

The note under Section 2 of this Act explains the manner prescribed for the election of county school trustees. The returns of the election for county school trustees will be made by the election officers to the county clerk within five days after the election. At the first meeting of the commissioners court thereafter, the county clerk will deliver the returns to the court, at which time the commissioners will canvass the returns and declare the results as in cases of other elections. The county clerk on behalf of the commissioners court will issue to the county school trustees thus elected their commissions. In the event any county school trustee thus elected fails to qualify promptly, the county superintendent should, with the county judge, ascertain the cause of such delay, and if the position is declined the court should order another election to fill the vacancy, in order that the work of the county school trustees may go forward without hindrance.

33. *The Oath of Office.*—The oath of office prescribed by the Constitution of the State for State and county officers must be taken by the county school trustees before the commission shall be issued, the said oath of office to be filed in the office of the county clerk. (Acts 34th Leg., Ch. 36, Sec. 12.)

It is necessary that the oath of office prescribed by the Constitution of the State for State and county officers be taken by the county school trustee before a commission can be issued to him. The oath of office, when properly administered and sworn to, should be filed in the office of the county clerk.

34. *County School Trustees Shall Organize.*—At the regular meeting in May, and after the qualification of new members the county school trustees shall organize by electing one of their number president. (Acts 34th Leg., Ch. 36, Sec. 12.)

At the regular meeting in May of each year and after the new members have received their commissions from the county clerk, the county school trustees shall organize by electing one of their number president, whose duty it would be to preside over and direct the deliberations of the meetings of the board of county school trustees and also the meetings of district school trustees, as provided in Section 10 of this Act, and to take active lead with the county superintendent in promoting the public school interests of the people of the county.

35. *Vacancies.*—All vacancies in the office of county school trustees shall be filled by election by the remaining county school trustees. Three of the county school trustees shall constitute a quorum, and all questions shall be decided by a majority vote. (Acts 34th Leg., Ch. 36, Sec. 13.)

When a vacancy occurs in the office of county school trustees, the remaining members of the board shall proceed to fill the vacancy by electing a suitable person to the positions as specified in Section 31 of this bulletin.



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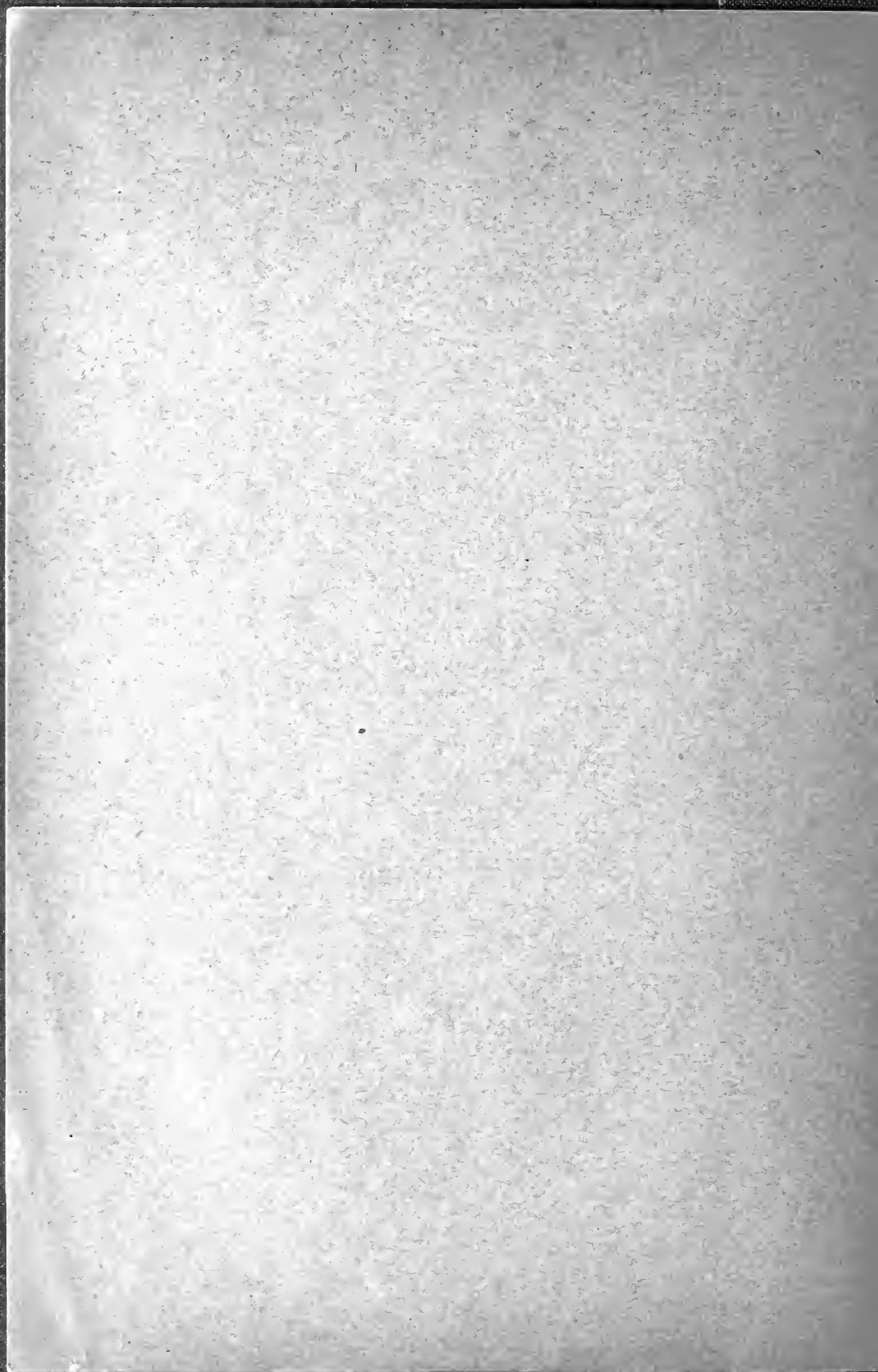
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